

**A SUBSTITUTE ORDINANCE BY
FINANCE AND EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY") TO NEGOTIATE FOR AND TO PURCHASE APPROXIMATELY 4.08 ACRES LOCATED AT 830 WILLOUGHBY WAY ("THE COX COMMUNICATIONS PROPERTY"), FROM THE TRUST FOR PUBLIC LAND ("TPL"), IN AN AMOUNT NOT TO EXCEED SIX MILLION FOUR HUNDRED THOUSAND DOLLARS (\$6,400,000.00), FOR THE PURPOSE OF EXPANDING THE PROPOSED NORTH AVENUE PARK ADJACENT TO THE PROPOSED BELTLINE. THE CITY'S PURCHASE PRICE, DUE DILIGENCE AND PURCHASE SERVICES SHALL BE PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND : 3129, DEPT. : 140106, PARK DESIGN ACCOUNT: 5411001 LAND, FUNCTION ACTIVITY : 100247 PARK AREAS, FUNDING SOURCE : 21230 2005 A PARK IMPROVEMENT BOND 9999, PTAE0, PROJECT : 14100247, TASK : 101, AWARD : 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the Trust for Public Land ("TPL") is negotiating for or has under contract approximately 4.08 acres of property, located at 830 Willoughby Way, Parcel Identification Number 14-0018-0009-021 ("the Cox Communications Property") for the purpose of expanding the proposed North Avenue Park area which is located along the proposed BeltLine (See Attached Exhibit "A"); and

WHEREAS, TPL has agreed to sell the Cox Communications Property to the City for an amount not to exceed the Fair Market Value ("FMV"), subject to the appropriate City approval processes; and

WHEREAS, TPL is a non-profit, 501(c)(3) organization, whose business is to negotiate property donations on behalf of public agencies or to purchase properties, provide tax incentives to property owners, and hold such properties in trust until the public agency has the funds to purchase the properties; and

WHEREAS, purchasing the Cox Communications Property is consistent with the City's goal of greenspace acquisition, preservation and park expansion particularly in areas that are located along the proposed BeltLine.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: The Chief Procurement Officer or his designee, on behalf of the City, is hereby authorized to negotiate with the Trust for Public Land to purchase approximately 4.08 acres of real property located at 830 Willoughby Way, Parcel Identification Number 14-0018-0009-021 (known as “the Cox Communications Property”), at a purchase price no greater than Fair Market Value.

SECTION 2: The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Cox Communications Property. In addition, the Chief Procurement Officer or his designee is authorized to obtain and pay for those items and services necessary to purchase the Cox Communications Property, including but not limited to title insurance, real estate service fees, demolition, development, site development, fencing, cleanup, closing costs and other costs of acquisition (“The City’s Due Diligence and Purchase Services”).

SECTION 3: The City’s Purchase Price plus the City’s Due Diligence and Purchase Services, in an amount not to exceed six million four hundred thousand dollars (\$6,400,000.00) shall be paid from Park Opportunity Bond Fund 2005A: Fund : 3129, Dept. : 140106, Park Design Account: 5411001 Land, Function Activity : 100247 Park Areas, Funding source : 21230 2005 A Park Improvement Bond 9999, PTAE0, Project : 14100247, Task : 101, Award : 312921230, Expense Type: 5411001, Organization: City of Atlanta .

SECTION 4: Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Office of Parks, is hereby charged with all responsibility for the Cox Communications Property and shall retain the land in perpetuity as a public park. Nothing in this section shall preclude a neighborhood group(s) or other private entity from maintaining all or part of the property pursuant to an agreement with the City.

SECTION 5: The City’s Greenspace Acquisition Consultant, (“the Consultant”) is authorized to settle the acquisition of the Cox Communications Property in an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

SECTION 6: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Cox Communications Property on behalf of the City without further authorization by the City Council.

SECTION 7: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION 8: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

SECTION 9: Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been approved by the City Attorney as to form, attested to by the Municipal Clerk, and signed by the Mayor.

SECTION 10: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

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**AN ORDINANCE BY
FINANCE AND EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE APPROXIMATELY 4.08 ACRES LOCATED AT 830 WILLOUGHBY WAY ("THE COX COMMUNICATIONS PROPERTY"), FROM THE TRUST FOR PUBLIC LAND ("TPL"), IN AN AMOUNT NOT TO EXCEED SIX MILLION FOUR HUNDRED THOUSAND DOLLARS (\$6,400,000.00), FOR THE PURPOSE OF EXPANDING THE PROPOSED NORTH AVENUE PARK ADJACENT TO THE PROPOSED BELTLINE. THE CITY'S PURCHASE PRICE, DUE DILIGENCE AND PURCHASE SERVICES SHALL BE PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND : 3129, DEPT. : 140106, PARK DESIGN ACCOUNT: 5411001 LAND, FUNCTION ACTIVITY : 100247 PARK AREAS, FUNDING SOURCE : 21230 2005 A PARK IMPROVEMENT BOND 9999, PTAE0, PROJECT : 14100247, TASK : 101, AWARD : 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

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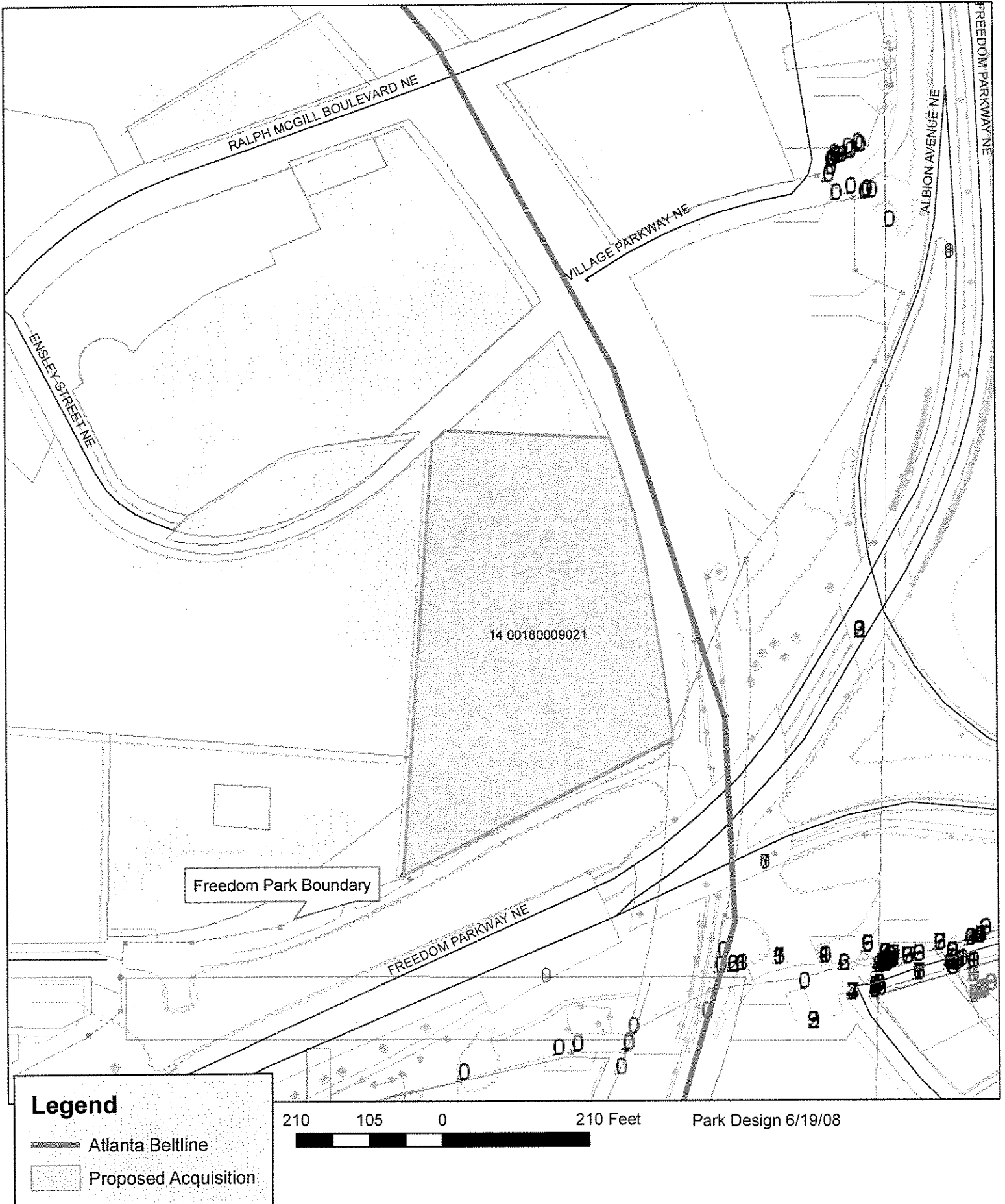
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Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/Executive Committee

Caption: AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE APPROXIMATELY 4.08 ACRES LOCATED AT 830 WILLOUGHBY WAY ("THE COX COMMUNICATIONS PROPERTY"), FROM THE TRUST FOR PUBLIC LAND ("TPL"), IN AN AMOUNT NOT TO EXCEED SIX MILLION FOUR HUNDRED THOUSAND DOLLARS (\$6,400,000.00), FOR THE PURPOSE OF EXPANDING THE PROPOSED NORTH AVENUE PARK ADJACENT TO THE PROPOSED BELTLINE. THE CITY'S PURCHASE PRICE, DUE DILIGENCE AND PURCHASE SERVICES SHALL BE PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND : 3129, DEPT. : 140106, PARK DESIGN ACCOUNT: 5411001 LAND, FUNCTION ACTIVITY : 100247 PARK AREAS, FUNDING SOURCE : 21230 2005 A PARK IMPROVEMENT BOND 9999, PTAE0, PROJECT : 14100247, TASK : 101, AWARD : 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Council Meeting Date: July 21, 2008

Requesting Dept.: DPRCA

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation.

The purpose of this legislative request is to have an authorizing Ordinance for the acquisition and development of approximately 4.08 acres of property located at 830 Willoughby Way ("The Cox Communications Property") which will become a part of the proposed North Avenue Park along the proposed BeltLine.

2. Please provide background information regarding this legislation.

The Trust for Public Land is negotiating for or has contracted for approximately 4.08 acres of property located at 830 Willoughby Way for the purpose of expanding the proposed North Avenue Park. TPL has agreed to sell the property to the City for an amount less than Fair Market Value. Purchasing the Cox Communications Property is consistent with the City's goal of greenspace acquisition, preservation and park expansion particularly in areas that are located along the proposed BeltLine.

3. If Applicable/Known:

- (a) **Contract Type-**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:** None
- (h) **Term of Contract:**

4. Account Segment :

5. Source of Funds: PARK OPPORTUNITY BOND FUND 2005A: FUND : 3129, DEPT. : 140106, PARK DESIGN ACCOUNT: 5411001 LAND, FUNCTION ACTIVITY : 100247 PARK AREAS, FUNDING SOURCE : 21230 2005 A PARK IMPROVEMENT BOND 9999, PTAE0, PROJECT : 14100247, TASK : 101, AWARD : 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA

6. Fiscal Impact:

This legislation will result in a reduction in an amount not to exceed \$6,400,000.00 to the Source of Funds identified above in item 5.

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Ellen Wickersham, Senior Acquisition Manager, Parks and Greenspace and Debra F. Harris, M.A., DPRCA Departmental Contracting Officer/Legislative Liaison.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Debra F. Harris _____

Contact Number: 404-817-6795

Originating Department: DPRCA

Committee(s) of Purview: FINANCE/EXECUTIVE COMMITTEE

Chief of Staff Deadline: July 02, 2008

Anticipated Committee Meeting Date(s): July 15-16, 2008

Anticipated Full Council Date: July 21, 2008

Legislative Counsel's Signature: [Signature] for A. Jackson

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: _____

CAPTION AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE APPROXIMATELY 4.08 ACRES LOCATED AT 830 WILLOUGHBY WAY ("THE COX COMMUNICATIONS PROPERTY"), FROM THE TRUST FOR PUBLIC LAND ("TPL"), IN AN AMOUNT NOT TO EXCEED SIX MILLION FOUR HUNDRED THOUSAND DOLLARS (\$6,400,000.00), FOR THE PURPOSE OF EXPANDING THE PROPOSED NORTH AVENUE PARK ADJACENT TO THE PROPOSED BELTLINE. THE CITY'S PURCHASE PRICE, DUE DILIGENCE AND PURCHASE SERVICES SHALL BE PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND : 3129, DEPT. : 140106, PARK DESIGN ACCOUNT: 5411001 LAND, FUNCTION ACTIVITY : 100247 PARK AREAS, FUNDING SOURCE : 21230 2005 A PARK IMPROVEMENT BOND 9999, PTAE0, PROJECT : 14100247, TASK : 101, AWARD : 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$6,400,000

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 7-2-08 Reviewed by: [Signature]
(date) (date)

Submitted to Council: _____
(date)

RCS# 2239
7/21/08
3:41 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II